

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Bail Appl.No. 9173 of 2014

CRIME NO. 598/2013 OF MANNAR POLICE STATION, ALAPPUZHA
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PETITIONER(S)/12TH ACCUSED:

**SUBIN V. JOSEPH, AGED 25 YEARS,
S/O M.T.GHEEVARGHESE, MANAMEL HOUSE
NEAR RAILWAY STATION, CHENGANNUR-689121.**

BY ADV. SRI.ISSAC NINAN

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA, REPRESENTED
BY CIRCLE INSPECTOR OF POLICE, MANNAR,
ALAPPUZHA DISTRICT, BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
19-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No.9173 of 2014

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Dated this the 19th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 12th accused in Crime No.598 of 2013 of the Mannar Police Station, registered for the offences punishable under Section 8(1) and (2), Section 55(a) and (i) of the Abkari Act and Section 120B, 465, 468 and 471 of the Indian Penal Code.

3. The said crime is a case relating to the seizure of 525 litres of spirit. The allegation against the petitioner is that it was he, who piloted the vehicle from Mannar onwards, by which the spirit was transported.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. According to the petitioner, he was not in station as on the date of seizure of the spirit in this case and at that time he was at Jaipur. He has produced copies of the railway tickets, which are Annexure A1 and A2, and the letter from the Additional Divisional Railway Manager and Appellate Authority

procured under the Right to Information Act. Annexure A3 shows that a person named Subin V. Joseph had travelled from Ernakulam to Jaipur by Ernakulam-Jaipur (Maru sagar Express) on 02.06.2013 and he returned from Jaipur to Mavelikkara by New Delhi-Trivandurm (Kerala Express), and he boarded the train from the Agra Cantonment on 16.06.2013. The date of incident in this case is on 10.06.2013. According to the learned counsel for the petitioner, as on the date of incident, he was at Jaipur. The contents of the documents produced by the petitioner *prima facie* reveal that the petitioner was not in station as on the date of the incident. Considering the said aspect, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the

officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays commencing from 26.02.2015 for a period of six months.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/19/2/15

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PA to Judge

